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FISCAL IMPACT STATEMENT

LS 6711

BILL NUMBER: HB 1528

NOTE PREPARED: Jan 6, 2015

BILL AMENDED:

SUBJECT: Right to Jury in Certain Administrative Proceedings.

FIRST AUTHOR: Rep. Borders

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that a person seeking judicial review of the final revocation of a professional license has the right to a jury trial.

Effective Date: July 1, 2015.

Explanation of State Expenditures: Jury trials regarding revoked licenses may require testimony from either professional board members or Professional Licensing Agency (PLA) staff. Depending on trial venue distance, in-state travel and per diem would likely increase if PLA personnel had to travel for jury trials.

Explanation of State Revenues: *Summary-* Additional jury trials would increase revenue to the state General Fund if court fees are collected, although it is not anticipated that many additional jury trials will occur as a result of this bill. The following table illustrates the number of professional licenses that have been revoked by a professional board during the three most recent complete state fiscal years.

Professional Licenses and Certifications Revoked FY 2012 -FY 2014.	
Fiscal Year	Total Revoked All Regulated Professions
2012	75
2013	100
2014	91

The three-year-average is approximately 89 revoked licenses or certifications. Were 20% of 89 persons with revoked licenses to appeal via a jury trial, trial courts statewide might have an additional 17 to 18 jury trials to conduct annually. Jury trials of this type would be conducted under the rules governing the selection of jurors for civil actions.

Additional Information- Court Fees: A civil costs fee of \$100 is assessed when a civil case is filed, 70% of which is deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the State User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: Summary- Although it is not anticipated that a large increase in jury trials would occur as a result of this bill, additional jury trials would increase costs to trial courts.

Jury trials in Indiana courts accounted for 0.1% of all case dispositions during both FY 2011 and FY 2012. The following table shows the number of jury trials by court during FY 2011 and FY 2012.

Total Jury Trials FY 2011 and FY 2012.		
Fiscal Year	Circuit & Superior Court	City & Town Court
2011	1,282	16
2012	1,334	4

Explanation of Local Revenues: If additional jury trials occur as a result of this bill, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- A service fee (\$10) is collected from the filing party for each defendant beyond the first cited in the

lawsuit.

State Agencies Affected: Professional Licensing Agency, professional boards.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: *Indiana Supreme Court: Judicial Year in Review 2011 & 2012*; Professional Licensing Agency.

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